

REMARKS

With the cancellation of claim 38, claims 24, 30-37, and 39-42 are now pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Claims 24 and 30-42 stand rejected under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner focuses on the term “doped at different concentrations,” believing it to be too ambiguous to comply with the statute. Applicants disagree, since the law in no way imposes on claim terms the obligation to quantify relative differences. If a claim recites two rods, is it the Examiner’s position that a claim is ambiguous if it recites them as having “different lengths”? Would it be required, under the Examiner’s understanding, that such a claim, in order to be definite under the statute, must recite actual values for the lengths? The Examiner’s own MPEP certainly does not impose such a requirement, since it states that the “fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite.” MPEP at Section 2173.05(b). The bottom line in this inquiry is “whether one of ordinary skill in the art would understand what is claimed, in light of the specification.” *Id.* “Different” simply means “not the same”; nothing impenetrable or insolubly ambiguous about that, especially since the specification is there to provide guidance on how different the concentrations can be.

Claims 24 and 30-42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, rendered obvious under 35 U.S.C. § 103(a) by, Cline.

Claim 24 includes the feature, “the ...semiconductor layers exhibit a constant doping”. This feature is intended to express that the individual layers are supposed to be constantly doped over their spatial extension. As amended, claim 24 recites the feature “a highly doped layer of the p-doped [or n-doped] semiconductor layers being doped at about 2×10^{18} atoms/cm³”, both for the n-doped layers and for the p-doped layers. Additionally, claim 24 has been amended to recite the subject matter of now-canceled claim 38.

From Cline it is not known that one may develop the n- and p- layers as two groups of layers having different doping. Furthermore, it is not known that one may use the specific dopings in the claim. It is not known that one may make the layers approximately 4μm thick. It is not known that one may constantly dope the layers over their spatial extension, and it is also not known that one may construct a temperature-stable

semiconductor system, using an arrangement according to our new claim. Even in connection with the remaining related art, the new special arrangement is not made obvious.

It is respectfully submitted that the subject matter of the present application is new, non-obvious, and useful. Prompt consideration and allowance of the application are respectfully requested.

Respectfully submitted,

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